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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,609	05/17/2001	Eiichi Naito	5077-000043	4991

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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 05/17/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/859,609

Applicant(s)

NAITO ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicants' Amendment filed on 3/19/2004 has been entered. Applicants cancelled claims 1-18 and added claims 19-27. Claims 19-27 are pending in this application.

Information Disclosure Statement

2. The information disclosure statement filed on 12/16/2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the paper listed under Other Documents Section is not considered as it does not provide related information other than filing dates. As per the procedure, a line is drawn through the citation in the form PTO-1449 informing that it is not considered. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 19-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Herz (U.S. Patent 6,029,195).

5. Herz anticipated independent claim 19 by the following:

“document storage means for storing the plurality of documents” at col. 9, lines 26-30;

“feature amount extraction means for extracting a feature amount of each of the plurality of documents” at col. 11, lines 44-50;

“clustering means for classifying the plurality of documents into a plurality of clusters based on the extracted feature amounts so that each cluster includes one document or a plurality of documents having feature amounts similar to each other as an element” at col. 27, line 62 to col. 28, line 12;

“document retrieval means for retrieving a document satisfying a retrieval condition input by the user among the plurality of documents” at col. 31, lines 55-67;

“interface means for presenting the retrieved document together with the rest of documents included in a cluster to which the retrieved document belongs, as retrieval results” at Fig. 2, col. 34, lines 56-64;

“wherein the number of the plurality of clusters is determined such that the number of clusters having two or more elements of the plurality of clusters is at the largest” at Fig. 2, col. 50, lines 36-38.

6. Herz anticipated independent claim 20 by the following:

“document storage means for storing the plurality of documents” at col. 9, lines 26-30;

“feature amount extraction means for extracting a feature amount of each of the plurality of documents” at col. 11, lines 44-50;

“clustering means for classifying the plurality of documents into a plurality of clusters based on the extracted feature amounts so that each cluster includes one document or a plurality of documents having feature amounts similar to each other as an element” at col. 27, line 62 to col. 28, line 12;

“cluster term label preparation means for selecting one or more terms, which is or are arranged in order of high term score, as a label of the cluster, for each of the plurality of clusters, the term score being obtained by calculating the number of documents in which a term appears in the cluster, for each of the terms included in documents belonging to the cluster” at Fig. 12, col. 27, line 62 to col. 28, line 12 and col. 19, line 29 to col. 20, line 17;

“document retrieval means for retrieving a document satisfying a retrieval condition input by the user among the plurality of documents” at col. 31, lines 55-67;

“interface means for presenting the retrieved document together with the label of the cluster, to which the retrieved document belongs, and the rest of documents belonging to the cluster, as retrieval results” at Fig. 2, col. 34, lines 56-64.

7. Herz anticipated independent claim 21 by the following:

“document storage means for storing the plurality of documents” at col. 9, lines 26-30;

“feature amount extraction means for extracting a feature amount of each of the plurality of documents” at col. 11, lines 44-50;

“clustering means for classifying the plurality of documents into a plurality of clusters based on the extracted feature amounts so that each cluster includes one document or a plurality of documents having feature amounts similar to each other as an element” at col. 27, line 62 to col. 28, line 12;

“cluster sentence label preparation means for selecting one sentence as a label of the cluster based on a term score for each of the plurality of clusters, the sentence being included in documents belonging to the cluster, the term score being obtained by calculating the number of documents in which a term appears in the cluster, for each of the terms included in documents belonging to the cluster Fig. 12, and col. 19, line 29 to col. 20, line 17;

“document retrieval means for retrieving a document satisfying a retrieval condition input by the user among the plurality of documents” at col. 31, lines 55-67;

“interface means for presenting the retrieved document together with the label of the cluster, to which the retrieved document belongs, and the rest of documents belonging to the cluster, as retrieval results” at Fig. 2, col. 34, lines 56-64.

8. Herz anticipated dependent claim 22, “the cluster sentence label preparation means work out a sum of term scores of all terms included in the sentence, and select a sentence in which the sum of the term scores is largest as a label of the cluster, for each of the sentences included in documents belonging to the cluster” at Fig. 5, col. 72, lines 10-26.

9. Herz anticipated independent claim 23 by the following:

“document storage means for storing the plurality of documents” at col. 9, lines 26-30;

“feature amount extraction means for extracting a feature amount of each of the plurality of documents” at col. 11, lines 44-50;

“clustering means for classifying the plurality of documents into a plurality of clusters based on the extracted feature amounts so that each cluster includes one document or a plurality of documents having feature amounts similar to each other as an element” at col. 27, line 62 to col. 28, line 12;

“cluster label preparation means for preparing a cluster label representing the a contents of the cluster, for each of the plurality of clusters;

“document label preparation means for preparing a document label representing the contents of the document, for each of the clustered documents” at Fig. 5, col. 72, lines 10-26;

“document retrieval means for retrieving a document satisfying a retrieval condition input by the user among the plurality of documents” at Fig. 5, col. 72, lines 10-26;

“interface means for presenting the retrieved document together with the cluster label of the cluster to which the retrieved document belongs, the rest of documents belonging to the cluster, and the document labels which are associated with each of the retrieved document and the rest of documents, as retrieval results” at Fig. 2, col. 34, lines 56-64.

10. Herz anticipated dependent claim 24, “the document label preparation means selects one sentence characterizing the document from all sentences in the document as the document label” at Fig. 2, 10, col. 65, lines 19-48.

11. Herz anticipated dependent claim 25, “the document label preparation means selects one sentence as the document label based on appearance frequency information of terms included in the document” at col. 86, line 67 to col. 87, line 4.

12. Herz anticipated independent claim 26 by the following:

“document storage means for storing the plurality of answer documents and a plurality of question documents, at least one or more question documents being associated with each of the answer documents” at col. 9, lines 26-30;

“feature amount extraction means for extracting a feature amount of each of the plurality of answer documents” at col. 11, lines 44-50;

“clustering means for classifying the plurality of answer documents into a plurality of clusters based on the extracted feature amounts so that each cluster includes

one document or a plurality of documents having feature amounts similar to each other as an element” at col. 74, lines 7-28;

“question document retrieval means for retrieving a question document conforming with a user question input by the user among the plurality of question documents” at Fig. 5, col. 71, lines 20-29;

“interface means for presenting the retrieved question document and the answer document associated with the question document together with the rest of answer documents included in the cluster to which the answer document belongs, as retrieval results” at col. 86, lines 25-37.

13. Herz anticipated dependent claim 27, “the interface means receives selection of an answer document by the user among the answer documents of the presented retrieval results, and the information retrieval system further comprises document upgrading means for newly storing the document of the user question in the document storage means in association with the selected answer document” at col. 3, line 54 to col. 4, line 3.

Response to Arguments

14. Applicant's arguments filed 3/19/2004 have been fully considered but they are not persuasive and details as follows:

a) Applicant's argument stated as “It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.”

In response to the Applicant's argument, examiner disagrees because mere canceling old claims and adding new set of claims will not put the applicant in allowance. Herz, the same prior art, teaches every added claim, so claims 19-27 are rejected.

b) Applicant's filed supplemental drawings.

In response to supplemental drawings, Examiner informs that these drawings will not be entered because they are not in compliance with Rule 37 CFR1.121 manner of making an Amendment.

c) Applicant's argument states as "According to a method disclosed in Herz, the clustering is repeated until each of the documents is finally integrated into one cluster."

In response to Applicant's argument, examiner disagrees because the current invention uses the clustered concept (see Fig. 1) and the prior art also uses the clustering. Merely pointing out differences in clustering is not a patentable invention. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion


15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

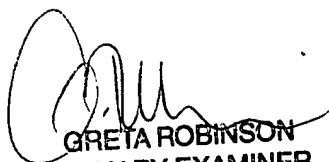
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (703) 305-3390. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sathyannarayan Pannala
Examiner
Art Unit 2177

srp
May 14, 2004


GRETA ROBINSON
PRIMARY EXAMINER